THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.2597 of 2005

-

29th December 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23.12.2005 in W.P.NO.23442 OF 2005 on the file of the High Court.)

Between:

Mohd.Hameed Khan @ Hameed Md.Hussain Khan, s/o Hussain Khan,
APSRTC r/o D.No.1-3-398, Muslimpura Colony, Metpally Town, Karimnagar District.

...APPELLANT

AND

1. APSRTC Metpalle Depot, represented by its Depot Manager, Metpalle, Karimnagar District.

And two others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.2597 of 2005

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

At their request, the Writ Appeal itself is taken up for disposal.

The appellant/writ petitioner seeks to assail the order dated 23.12.2005 in W.P.M.P.No.30091 of 2005 in W.P.No.23442 of 2005 filed seeking suspension of the operation of the impugned notification No.P1/756(8)/05 MTPL dated 01.07.2005, which was rejected, whereby the petitioner seeks to retire on the basis of the entry made in the Service Records.

The case of the appellant is that his actual date of birth is 10.01.1959 and not 14.12.1947. Therefore, the impugned proceedings were issued. The learned Single Judge, after taking into consideration the submissions made and the contents in the counter affidavit, rejected the application mainly on the ground that the petitioner did

not place any proof of his date of birth issued by any Educational Institution or any extract from the Registrar of Births. The learned Single Judge further observed that in case the petitioner ultimately succeeds, he can be granted necessary relief.

Having heard the learned counsel on either side and on perusal of the material available on record, it is seen that even now, no material is forthcoming on behalf of the appellant except the contra entries in the Service Record. Admittedly, the petitioner was examined medically as long back as in the year 1987 and the Medical Certificate dated 14.12.1987 shows that his age was 40 years as on that date and the appellant kept silent for a long time without taking any steps for correction of the same or otherwise. In view of the same and in view of the discretion as exercised by the learned Single Judge, we do not find any reason to interfere with the impugned order.

Accordingly, the Writ Appeal is dismissed. No costs.

Office is directed to expedite the hearing of the Writ Petition.

_____

(B.PRAKASH RAO, J)

_____

(DR G.YETHIRAJULU, J)

29th December 2005

RRB

-

-